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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,816	07/02/2003	Fred O. Hartmann	G351.12-0001	3853

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EXAMINER

ADAMS, GREGORY W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,816

Applicant(s)

HARTMAN ET AL.

Examiner

Gregory W. Adams

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/2/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Referring to line 3, claim 11 recites the limitation "respective guard member". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11, 14, 16-22 and 24-26 rejected under 35 U.S.C. 102(e) as being anticipated by Solomon (US 6,536,796).
5. With respect to claim 1, referring to FIGS. 1-13 Solomon '796 discloses a hand-truck 10, 11, 12 comprising a platform 16 and a handle 34.
6. With respect to claim 2, referring to FIGS. 1-13 Solomon '796 discloses a handle 34 rigidly connects to a first side of a platform 16 while locked. Col. 3, Ins. 12-19.
7. With respect to claim 3, referring to FIGS. 1-13 Solomon '796 discloses a handle 34 is substantially vertical while in the locked position. Col. 3, Ins. 12-19.

Art Unit: 3652

8. With respect to claim 4, referring to FIGS. 1-13 Solomon '796 discloses a handle 34 slidably connects to a platform 16 while stowed and pivotally connects to a platform 41A while in the pivotal position.

9. With respect to claim 5, referring to FIGS. 1-13 Solomon '796 discloses a hand-truck further comprising a channel member 35 attached to a platform underside 16 (attached when in stowed position) for receiving a handle 34 while stowed.

10. With respect to claim 6, referring to FIGS. 1-13 Solomon '796 discloses support members 23, 27 extending from a platform 16.

11. With respect to claim 7, referring to FIGS. 1-13 Solomon '796 discloses hand-truck further comprising a hinge 41A connected to a platform 16 and including first and second hinge members 41A, 38, and a handle comprising 34 an elongated portion 36 and a cylindrical member (hinge pin) 41A.

12. With respect to claim 8, referring to FIGS. 1-13 Solomon '796 discloses a locking plate 53 connected to a platform 16 and wherein a handle further comprises a tongue member 38 positioned upon a elongated portion 36 a tongue member 38.

13. With respect to claim 9, referring to FIGS. 1-13 Solomon '796 discloses a downwardly extended guard member 55 the guard around attached to a platform first end 16 and wheels 55.

14. With respect to claim 10, referring to FIGS. 1-13 Solomon '796 discloses a handle 34 is accessible proximate a platform second side 16 in any position.

15. With respect to claim 11, referring to FIGS. 1-13 Solomon '796 discloses a second downwardly extending guard member 55 the guard around attached to a first

Art Unit: 3652

end of a platform 16 wherein each wheel 55 disposes within and rotatably connects to a respective guard member 55 the guard around.

16. With respect to claim 14, referring to FIGS. 1-13 Solomon '796 discloses a hand-truck 10, 11, 12 comprising a platform 16, a channel member 35 attached to an underside of a platform 16 (when closed), locking plate 53 connected to a platform 16 proximate to a channel member 35, a hinge 41A connected to a platform 16, a handle 34 disposable within a channel member 35, a handle comprising an elongated portion 36 and handlebars 50, tongue 38 extending from and downwardly parallel to an elongated portion 36, and a stop 27, whereupon extracting a handle 34 from a channel member 35 a stop 27 engages a hinge 41A and a handle 34.

17. With respect to claim 16, referring to FIGS. 1-13 Solomon '796 discloses first and second guard members 55 connected to the underside of a platform 16 a wheel disposed 55 within each guard member 55.

18. With respect to claim 17, referring to FIGS. 1-13 Solomon '796 discloses handlebars 50 are accessible to maneuver a hand-truck when a handle 34 is disposed within a channel member 35.

19. With respect to claim 18, referring to FIGS. 1-13 Solomon '796 discloses support members 23, 27 extending from a platform 16 parallel to a channel member 35 wherein portions of a support members and the channel member equidistantly extend from a platform.

20. With respect to claim 19, referring to FIGS. 1-13 Solomon '796 discloses a hand-truck is accessible to be lifted by a forklift from any side.

Art Unit: 3652

21. With respect to claim 20, referring to FIGS. 1-13 Solomon '796 discloses a dual-purpose material handling system 10, 11, 12 comprising a platform 16 having a plurality of sides for supporting a load ground engageable wheels 55, and a positionable handle 34 connected to a platform 16.

22. With respect to claim 21, referring to FIGS. 1-13 Solomon '796 discloses a locking mechanism 53 to lock a handle 34 in a locked position (col. 3, Ins. 12-19) comprising a locking plate 53 and a tongue member 38.

23. With respect to claim 22, referring to FIGS. 1-13 Solomon '796 discloses a channel member 35 for receiving the handle 34 while in the stowed position, a channel member 35 positioned along a platform underside 16.

24. With respect to claim 24, referring to FIGS. 1-13 Solomon '796 discloses a handle 34 substantially vertical while locked. Col. 3, Ins. 12-19.

25. With respect to claim 25, referring to FIGS. 1-13 Solomon '796 discloses at least two fixed directional wheels 55 a material handling system 10, 11, 12 further comprising a guard 55 around each wheel 55 and attached to the platform 16.

26. With respect to claim 26, referring to FIGS. 1-13 Solomon '796 discloses a platform 16 is vertical when material handling system is stowed.

Claim Rejections - 35 USC § 103

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon (US 6,536,796) with respect to claim 10 above, and further in view of Cramer (US 2,659,100). Solomon '796 discloses guard members but does not disclose a rectangular box guard member. Referring to FIGS. 1-4 Cramer '100 discloses a guard member 3 of rectangular box configuration 7. Cramer '100 teaches that a rectangular configuration provides a housing for a wheel 26 supporting a platform. Col. 1, Ins. 1-17. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the guard members of Solomon in a rectangular box configuration, as per the teachings of Cramer, such that wheels are housed.

29. Claims 13, 15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon (US 6,536,796) with respect to claims 1, 14 and 20 above, and further in view of Sisson (US 3,658,383). Solomon '796 discloses a hand-truck but does not disclose a foot-brake. Sisson '383 discloses a hand-truck 1 comprising a handle 39, and a foot-brake 14, 15 connected to a platform 18. Sisson '383 adds a foot-brake to prevent shifting of hand-truck 1 during unloading. Col. 1, Ins. 65-73. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hand-truck of Solomon '796 to include a hand-brake, as per the teachings of Sisson, to prevent shifting during unloading.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2,483,241 to Shepherd

US 6,701,570 to Henriott et al.

US 3,236,539 to Ketterer

US 4,811,988 to Immel

US 5,484,046 to Alper


US 5,538,386 to Scheibel

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA


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